

Appendix 5

NOAA Form 370 - Fisheries Certificate of Origin

U.S. DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

Fisheries Certificate of Origin



1. Customs Entry Identification

Customs Entry Number _____

Date of Entry _____

2. Exporter (Name and Address)

Telephone Number: _____

3. Importer (Name and Address)

Telephone Number: _____

4. DESCRIPTION OF FISH

U.S. Tariff Schedule Number, Species Description, and Product Form	Weight (kg.)	Ocean Area	Fishing Gear	Vessel Flag	Trip Dates Begin-End	Vessel Name

5. DOLPHIN SAFE STATUS - check the statement that applies.

A. The tuna or tuna products described herein are not certified to be dolphin safe and contain no marks or labels that indicate otherwise.

B. The tuna or tuna products described herein are certified to be dolphin safe:

(1) Tuna not harvested with a purse seine net, and not harvested in any fishery that has been identified by the Assistant Administrator as causing a regular and significant mortality or serious injury to dolphins.

(2) Tuna harvested using a purse seine net outside the Eastern Tropical Pacific Ocean (ETP), with valid documentation by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the fishing trip. **Captain's statement attached.**

(3) Tuna harvested by purse seine vessel outside the ETP in a fishery in which there is a regular and significant association occurring between marine mammals and tuna, with valid documentation by an authorized observer and the captain of the vessel, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught. **Observer's and captain's statements attached.**

(4) Tuna harvested in the ETP by a purse seine vessel having a carrying capacity of 400 short tons (362.8mt) or less.

(5) Tuna harvested in the ETP by a purse seine vessel of more than 400 short tons (362.8mt) carrying capacity with valid documentation signed by a representative of the appropriate IDCP-member nation certifying that: (1) there was an IDCP-approved observer on board the vessel during the entire trip; (2) no purse seine net was intentionally deployed on or to encircle marine mammals during the fishing trip and no dolphins were killed or seriously injured in the sets in which the tuna were caught; (3) listing the numbers for the associated Tuna Tracking Forms which contain the captain's and observer's certifications. **IDCP Member Nation Certification attached.**

6. EXPORTER CERTIFICATION - I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Exporter Name (Print or Type) _____

Signature and Date: _____

7. HIGH SEAS DRIFTNET CERTIFICATION - For fish or fish products harvested by, or exported from, a designated large-scale driftnet nation. I attest that the fish or fish products described herein were not harvested by a large-scale driftnet on the high seas.

Name and title of Government Representative (Print or Type) _____

Signature and Date _____

8. IMPORTER/PROCESSOR ENDORSEMENT

(Name and Address) _____

Signature and Date _____

(Name and Address) _____

Signature and Date _____

(Name and Address) _____

Signature and Date: _____

GENERAL INFORMATION – The information requested on this form is necessary to substantiate the origin and method of harvest of tuna and certain other fish products as required by 50 CFR Part 216.24(f). This form is required for all tuna and tuna products entered into the United States under an HTS number listed in 216.24(f)(2)(i) or (ii) and for any fish exported from a large-scale driftnet nation entered under any of the HTS numbers listed in 216.24(f)(2). This form may also be used to document U.S. domestic landings and shipments of certain tuna and tuna products as required by 50 CFR Part 216.92(a). The information submitted on the form will be used to determine whether or not the listed shipment will be allowed entry into the United States. The information provided will be treated as confidential in accordance with NOAA Administrative Order 216-100. Mail a copy of each form and attached statements to: National Marine Fisheries Service, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Questions concerning the use of the form may be directed to (562) 980-4030. This form may be downloaded from the Internet at <http://swr.nmfs.noaa.gov/noaa370.htm> and reproduced as necessary.

INSTRUCTIONS.

1. CUSTOMS ENTRY IDENTIFICATION - Importer must enter the shipment's assigned U.S. Customs Entry Number and the projected date of entry (day/month/year, i.e., 15/Jan/2000)
2. EXPORTER - Enter company name and address of exporter and contact phone number of responsible company representative.
3. IMPORTER - Enter name and address of importer or consignee and contact phone number of responsible company representative.
4. DESCRIPTION OF FISH -

U.S. HARMONIZED TARIFF SCHEDULE NUMBER, SPECIES DESCRIPTION AND PRODUCT FORM - Enter U.S. HTS Number of fish or fish product, the species description and product form in English. HTS numbers are listed in 50 CFR 216.24(f)(2). Only shipments from countries that use large-scale driftnets are required to be accompanied by this form for other species of fish and fish products. **This form is not required for fresh bluefin tuna.**

WEIGHT - Enter the total net weight of the shipment in kilograms.

OCEAN AREA OF CATCH - Enter the ocean area in which the fish contained in this shipment were harvested:

- EA - Eastern Atlantic (east of 45° W. longitude)
- WA - Western Atlantic (west of 45° W. longitude)
- ETP - Eastern Tropical Pacific (east of 160° W. longitude, between 40° N. and 40° S. latitude)
- NP - North Pacific Ocean (north of 40° N. latitude)
- SP - South Pacific Ocean (west of 160° W. longitude, south of 15° S. latitude and east of 160° W. longitude, south of 40° S. latitude)
- WP - Western Pacific Ocean (west of 160° W. longitude and north of 15° S. latitude)
- IND - Indian Ocean
- CAR - Caribbean Sea
- OTH - Other- Describe Area _____

FISHING GEAR - Enter gear used to harvest fish

- PL - Pole and Line, Hook and Line
- PS - Purse Seine Net
- GN - Gillnet less than 1.5 miles (2.4 km) in total length
- DN - Large Scale Driftnet (High Seas)
- LL - Longline
- OTH - Other Type. Describe

VESSEL FLAG - Enter the country under whose laws the fishing vessel operated, or for certified charter vessels, enter the country that accepted responsibility for the vessels' fishing operations.

TRIP DATES - Enter the exact beginning and ending dates (day/month/year, i.e., 15/Jan/2000) of the fishing trip during which the described shipment of fish was harvested.

VESSEL NAME - Enter the name of the fishing vessel only if the fish or fish products were harvested using a purse seine net.

5. DOLPHIN SAFE STATUS - Must be completed for all tuna or tuna products. Check only one appropriate statement. Use a separate form if more than one statement applies. Statements or certifications required when box No. 5B(2), 5B(3), or 5B(5) is checked must accompany this form at all times.
6. EXPORTER CERTIFICATION - Must be signed and dated (day/month/year, i.e., 15/Jan/2000) by a responsible official of the export company listed in block 2.
7. HIGH SEAS DRIFTNET CERTIFICATION - If the shipment includes fish harvested by vessels of, or exported from a nation identified by NOAA in a Federal Register notice as a nation fishing with large-scale driftnets, a responsible government official of the harvesting nation must certify here.
8. IMPORTER/PROCESSOR ENDORSEMENT - Each additional importer or processor who takes custody of the shipment must sign and date the form to certify that the form and attached documentation accurately describe the shipment of fish that they accompany.

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the above address. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.